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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 ROBERT ARISTO GALLARDO III,

12 Petitioner,

13 vs.

14 GEORGE NEOTTI, Warden,

15 Respondent.

CASE NO. 11cv2569-LAB (RBB)

**ORDER ADOPTING REPORT
AND RECOMMENDATION; AND**

**ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS**

16 Petitioner Robert Gallardo filed a petition for writ of habeas corpus pursuant to 28
17 U.S.C. § 2254. Respondent filed an answer, but Gallardo filed no traverse. This matter was
18 referred to Magistrate Judge Ruben Brooks for report and recommendation pursuant to 28
19 U.S.C. § 636(b). Judge Brooks issued his report and recommendation, which recommended
20 denying the petition. Gallardo has filed no objections to the report and recommendation.

21 A district court has jurisdiction to review a Magistrate Judge's report and
22 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). The Court reviews de novo
23 those portions of the R&R to which specific written objection is made. *United States v.*
24 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear
25 that the district judge must review the magistrate judge's findings and recommendations de
26 novo *if objection is made*, but not otherwise." *Id.* When no objections are filed, the Court
27 need not conduct a de novo review. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.
28 2005).

1 The Court has reviewed the report and recommendation, finds it to be correct, and
2 **ADOPTS** it. The petition is **DENIED**.

4 || IT IS SO ORDERED

5 || DATED: July 24, 2013

Camp A. Bunn

HONORABLE LARRY ALAN BURNS
United States District Judge